



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3723

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In re application of: Wheeler, et al.

Application No: 09/916,567

Group Art Unit: 3723

Filed: July 27, 2001

Examiner: Wilson, Lee D.

Title: STRUCTURE FOR ISOLATING MOUNTING AND CLAMPING
FORCES OF A POWER CLAMP

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER #3700

Dear Sir:

The following is a response to an Office Action that was mailed on February 24, 2004.

In the Office Action, the Examiner provisionally rejected claims 1-20 under the judicially created Doctrine of Obviousness-Type Double Patenting as being unpatentable over claims 1-19 of co-pending United States Patent Application No. 09/891,916. The Examiner noted that although the conflicting claims are not identical, they are not patentably distinct from each other because higher strength materials being used in plates are being disclosed. The Examiner further noted that this is a provisional obviousness-type double patenting rejection because the conflicting claims have not, in fact, been patented.

In order to overcome the judicially-created Doctrine of Obviousness-Type Double Patenting rejection, Applicant hereby submits a Terminal Disclaimer to Obviate the Provisional

Double Patenting Rejection Over the Pending Second Application corresponding to co-pending United States Patent Application No. 09/891,916 which has the same owner as the subject application.

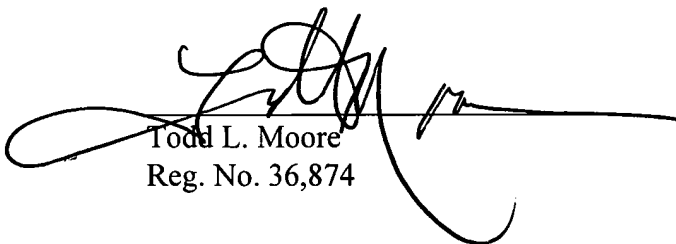
The Examiner also stated in the Office Action that Applicant's arguments filed on October 20, 2003 have been fully considered but are not persuasive. The Examiner further stated that Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

In light of the enclosed Terminal Disclaimer, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection under the judicially-created Doctrine of Obviousness-Type Double Patenting and allow the claims to proceed to issue.

If the Examiner has any questions regarding this matter, Applicant invites the Examiner to contact Applicant's Attorney at (734) 662-0270 or by email at tlmyb@aol.com.

Respectfully Submitted,

Dated: May 10, 2004


Todd L. Moore
Reg. No. 36,874